

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOROTHY HAWTHORNE-BURDINE,

Plaintiff,

v.

OAKLAND UNIVERSITY, ET AL.,

Defendants.

Case No. 15-cv-13285

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
ANTHONY P. PATTI

ORDER DENYING PLAINTIFF’S MOTION TO STRIKE [18], PLACING DEFENDANTS’ MOTION TO DISMISS EXHIBITS #15–17 UNDER SEAL, AND GRANTING PLAINTIFF’S MOTION FOR LEAVE TO FILE EXHIBITS IN THE TRADITIONAL MANNER [19]

On November 9, 2015, Plaintiff Dorothy Hawthorne-Burdine filed two motions. In Plaintiff’s Motion to Strike [18], she requests that the Court strike three exhibits attached to Defendants’ Motion to Dismiss [12]: #15 Exhibit N - Dr. Hermann Banks assessment; #16 Exhibit O - Dr. Elliott Wolf assessment; and #17 Exhibit P - Dr. W. John Baker assessment. In Plaintiff’s Ex Parte Motion for Leave to File Exhibits in the Traditional Manner [19], she seeks permission to file a 22-minute audio recording of one of her classes in the traditional manner, pursuant to Rule 18(c) of the Electronic Filing Policies and Procedures.

Rule 12(f) of the Federal Rules of Civil Procedure allows the Court to strike “any redundant, immaterial, impertinent, or scandalous matter” from a pleading. Under Rule 10(c), a “copy of a written instrument that is an exhibit to a pleading is part of the pleading for all purposes.” FED. R. CIV. P. 10(c). “Motions to strike are generally viewed with disfavor, and will usually be denied unless the allegations in the pleading have no possible relation to the controversy, and may cause prejudice to one of the parties.” *Sliger v. Prospect Mortgage, LLC*,

789 F. Supp. 2d 1212, 1216 (E.D. Cal. 2011). The exhibits in question are related to the present controversy, so the Court will **DENY** Plaintiff's Motion to Strike. However, as the exhibits contain medical assessments, the Clerk is **HEREBY ORDERED TO SEAL** the following exhibits until further order of the Court:

- Dkt. # 12-15 – Ex. N: Dr. Hermann Banks assessment
- Dkt. # 12-16 – Ex. O: Dr. Elliott Wolf assessment
- Dkt. # 12-17 – Ex. P: Dr. W. John Baker assessment

Additionally, the Court will **GRANT** Plaintiff leave to file the audio recording in question in accordance with the Eastern District's Electronic Filing Policies and Procedures, Rule 18(c). A copy of this order should accompany the item being filed.

IT IS SO ORDERED.

Dated: November 10, 2015

s/Gershwin A. Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

Certificate of Service

I hereby certify that a copy of the foregoing document was served upon parties and counsel of record on November 10, 2015, by electronic and/or ordinary mail.

s/Teresa McGovern
in the absence of Tanya Bankston
Case Manager to Judge Drain